

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,	)	CASE NO. CR07-095-RSL
	)	
Plaintiff,	)	
	)	
v.	)	
	)	DETENTION ORDER
BENJAMAN KEVIN MITCHELL, a.k.a.	)	
Benjamin Kevin Mitchell	)	
	)	
Defendant.	)	
_____	)	

Offense charged: Bank Fraud (eleven counts); Aggravated Identity Theft (two counts)

Date of Detention Hearing: May 8, 2007

The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and based upon the factual findings and statement of reasons for detention hereafter set forth, finds that no condition or combination of conditions which defendant can meet will reasonably assure the appearance of defendant as required and the safety of other persons and the community.

FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

1. Defendant has been indicted on eleven counts of Bank Fraud and two counts of Aggravated Identity Theft. He appears before this Court on a Writ of Habeas Corpus ad

01 Prosequendum, having previously been detained by the Washington Department of Corrections  
02 at the Washington State Reformatory in Monroe, Washington.

03 2. The issue of detention is essentially moot, as the defendant would be returned to  
04 the custody of the State of Washington if he were released by this Court.

05 3. The defendant was not interviewed by Pretrial Services. There is no background  
06 information available.

07 4. The defendant poses a risk of nonappearance due to his status as an inmate in the  
08 Washington State corrections system, and the lack of background information. He poses a risk  
09 of danger due to the nature of the charges.

10 5. There does not appear to be any condition or combination of conditions that will  
11 reasonably assure the defendant's appearance at future Court hearings while addressing the danger  
12 to other persons or the community.

13 It is therefore ORDERED:

14 (1) Defendant shall be detained pending trial and committed to the custody of the  
15 Attorney General for confinement in a correction facility separate, to the extent  
16 practicable, from persons awaiting or serving sentences or being held in custody  
17 pending appeal;

18 (2) Defendant shall be afforded reasonable opportunity for private consultation with  
19 counsel;

20 (3) On order of a court of the United States or on request of an attorney for the  
21 Government, the person in charge of the corrections facility in which defendant is  
22 confined shall deliver the defendant to a United States Marshal for the purpose of

01 an appearance in connection with a court proceeding; and

- 02 (4) The clerk shall direct copies of this Order to counsel for the United States, to  
03 counsel for the defendant, to the United States Marshal, and to the United States  
04 Pretrial Services Officer.

05 DATED this 8th day of May, 2007.

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07 Mary Alice Theiler  
08 United States Magistrate Judge  
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